

**EXHIBIT "G"**

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO  
**Judge Wiley Y. Daniel**

Civil Action No. 06-cv-01212-WYD-BNB

ROCKY MOUNTAIN CHOCOLATE FACTORY, INC.,

Plaintiff,

v.

SDMS, INC.,  
THOMAS P. ANDERSON, and  
KENNETH PECUS,

Defendants.

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**STIPULATED PERMANENT INJUNCTION ORDER**

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This matter is before the Court on Plaintiff Rocky Mountain Chocolate Factory (“RMCF”) and Defendants SDMS, Inc., Thomas P. Anderson, and Kenneth Pecus’ (“Defendants”) Stipulated Motion to Enter Permanent Injunction Order (docket # 141, filed September 18, 2007). For the reasons set forth below, the motion is **GRANTED**.

By way of background:

1. On or about October 20, 2006, Plaintiff filed a motion for preliminary injunction seeking to prohibit Defendants’ use of the RMCF marks and trade secrets.
2. The motion was heard on November 21, 2006 and November 29, 2006.
3. On December 8, 2006, the Court issued an Order granting in part and denying in part Plaintiff’s motion for preliminary injunction (“December 8th Order”). At pages 14 and 15 of the Order, the Court identified eight specific acts that Defendants were prohibited from engaging. (See Dec. 8, 2006 Order, at 14-15, Doc. No. 56.)

4. In the interest of justice and judicial economy, Defendants have conferred among themselves and have agreed that a permanent injunction incorporating the terms from the December 8th Order and set out at Paragraph 1 on pages 14-15 of that Order is appropriate.

WHEREFORE, upon stipulation of the parties below and showing of good cause in support of the entry of an order of permanent injunction, it is

ORDERED THAT the Joint Motion to Enter Stipulated Permanent Injunction Order is **GRANTED**. In accordance therewith, it is ORDERED THAT:

Defendants, their agents, servants and employees, and those people in active concert or participation with them are permanently enjoined from:

- a. Using the RMCF Marks or any trademark, service mark, logo or trade name that is confusingly similar to the RMCF Marks;
- b. Otherwise infringing RMCF Marks or using any similar designation, alone or in combination with any other components;
- c. Passing off any of their products or services as those of RMCF or its authorized franchisees;
- d. Causing a likelihood of confusion or misunderstanding as to the source or sponsorship of their businesses, products or services;
- e. Causing a likelihood of confusion or misunderstanding as to their affiliation, connection or association with RMCF and its franchisee or any of RMCF's products or services;
- f. Unfairly competing with RMCF or its franchisees in any manner;

- g. Competing with RMCF within 10 miles of the current location for a period of two years commencing from December 22, 2006;
- h. Using or misappropriating trade secrets and other confidential or proprietary information belonging to Plaintiff and using such information to their advantage and to the detriment of Plaintiff.

IT IS FURTHER ORDERED that the bond posted by RMCF to secure the preliminary injunction be released.

Dated: September 27, 2007

BY THE COURT:

s/ Wiley Y. Daniel  
Wiley Y. Daniel  
U. S. District Judge